

ORDINANCE NO.

Adopted by the Sacramento City Council
Date Adopted

**AN ORDINANCE AMENDING SECTIONS 17.600.100 AND 17.808.160 OF,
AND ADDING CHAPTER 17.860 TO, THE SACRAMENTO CITY CODE,
RELATING TO MINISTERIAL APPROVAL FOR INFILL HOUSING PROJECTS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans.
2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

A. Subsection A of section 17.600.100 of the Sacramento City Code is amended to read as follows:

A. Citywide design guidelines. Subject to subsections B, C, D, and E of this section,

1. The Single-Unit Dwelling and Duplex Dwelling Design Guidelines, as adopted by resolution of the City Council, applies to single-unit dwelling and duplex dwelling development;

2. The Citywide Infill Housing Design Standards, as adopted by resolution of the City Council, applies to all housing development projects with two or more dwelling units, including a single-unit dwelling with an attached accessory dwelling unit, that are either residential-only project or part of a mixed-use development in which the residential use constitutes at least two-thirds of the total gross building square footage;

3. The Multi-Unit Dwelling Design Guidelines, as adopted by resolution of the City Council, applies to multi-unit dwelling and mixed-use development;

4. The Citywide Commercial Design Guidelines, as adopted by resolution of the City Council, applies to nonresidential development; and

5. The Industrial and Business Park Design Guidelines, as adopted by resolution of the City Council, applies to industrial development.

B. Except as amended by subsection A above, all provisions of section 17.600.100 remain unchanged and in full effect.

SECTION 3.

A. Subsection E is added to section 17.808.160 of the Sacramento City Code to read as follows:

E. Infill housing projects that are approved with an administrative permit under chapter 17.860.

B. Except as amended by subsection A above, all provisions of section 17.808.160 remain unchanged and in full effect.

SECTION 4.

Chapter 17.860 is added to the Sacramento City Code to read as follows:

Chapter 17.860 MINISTERIAL APPROVAL FOR INFILL HOUSING PROJECTS

17.860.010 Purpose and intent.

The purpose of this chapter is to authorize an administrative permit for infill housing projects, including mixed-use projects, that comply with California Government Code section 65913.4 or the requirements of this chapter. Nothing in this chapter precludes an applicant from applying for discretionary site plan and design review.

17.860.020 Infill housing projects eligible for streamlined, ministerial approval process under Government Code section 65913.4.

A. Administrative permit. A housing project, including a mixed-use project, will be granted an administrative permit if it—

1. Qualifies for streamlined, ministerial approval under California Government Code section 65913.4;

2. Complies with the city's objective zoning standards and objective subdivision standards, as defined in California Government Code section 65913.4 and set forth in this code; and

3. Complies with the city's objective design review standards, as defined in California Government Code section 65913.4 and as set forth in the Citywide Infill Housing Design Standards.

B. Conflicting laws. In the case of a conflict between the city's standards set forth in subsection A above and the standards set forth in California Government Code section 65913.4, the provisions of the California Government Code prevail.

C. Notification of compliance with the standards. If the city determines a project submitted under this section conflicts with any of the requirements set forth in subsection A above, it shall inform the applicant, in writing, of the requirement or requirements the project conflicts with, along with an explanation of all conflicts, in the following timeframes:

1. Within 60 days of submittal of the application if the project contains 150 or fewer dwelling units; or

2. Within 90 days of submittal of the application if the project contains more than 150 dwelling units.

D. Deemed approval. If the city does not provide written notice as required by subsection C above, the project will be deemed to satisfy the requirements specified in subsection A above and must be granted an administrative permit.

E. Establishment and expiration of the permit. Section 17.808.470 governs the establishment and expiration of an administrative permit granted under this section, except when that section conflicts with subdivision (e) of California Government Code section 65913.4, in which case the provisions of the California Government Code prevail.

17.860.030 Other infill housing projects.

A. A housing project, including a mixed-use project, will be granted an administrative permit if it complies with all the following:

1. The project consists of duplex dwellings or multi-unit dwellings that include a total of not more than 200 dwelling units;

2. The project does not require a conditional use permit, variance, legislative change request, or any other discretionary entitlement or request under this title;

3. The project consists of infill, as defined in section 17.108.100;
4. At least two-thirds of the project's gross square footage is designated for residential use;
5. The design, layout, and physical characteristics of the project are consistent with, and do not deviate from, the city's development standards and design guidelines;
6. The project does not involve—
 - a. The demolition of dwelling units occupied by one or more tenants in a multi-unit dwelling within one year prior to the time an application is submitted for approval under this chapter;
 - b. The demolition of dwelling units subject to an affordable housing regulatory agreement; or
 - c. A reduction in the total number of dwelling units on the site.
7. The project is consistent with the general plan and any applicable specific plan or transit village plan;
8. The project does not involve a historic or cultural resource; and
9. The project is not located—
 - a. Within a planned unit development;
 - b. Within a historic district listed on the Sacramento register, the National Register of Historic Places, or the California Register of Historical Resources;
 - c. On or within 1,000 feet of an existing or former landfill;
 - d. On a site listed pursuant to California Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to California Health and Safety Code section 25356, unless the appropriate enforcement agency has cleared the site for residential use;
 - e. On a site regulated by the Mobilehome Residency Law (Cal. Civ. Code, § 798 et seq.), Recreational Vehicle Park Occupancy Law (Cal. Civ. Code, § 799.20 et seq.), Mobilehome Parks Act (Cal. Health & Saf. Code, § 18200 et seq.), or the Special Occupancy Parks Act (Cal. Health & Saf. Code, § 18860 et seq.);

f. On a site that contains habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.), the California Endangered Species Act (Cal. Fish & G. Code, § 2050 et seq.), or the Native Plant Protection Act (Cal. Fish & G. Code, § 1900 et seq.);

g. On a site with wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);

h. On land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Cal. Fish & G. Code, § 2800 et seq.), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.), or other adopted natural resource protection plan;

i. On land protected by a conservation easement; or

j. On a site known to contain archaeological resources, paleontological resources, tribal cultural resources, or human remains.

B. Notification of compliance with the standards. If the city determines a project submitted under this section conflicts with any of the requirements set forth in subsection A, the city shall inform the applicant, in writing, of the requirement or requirements the project conflicts with, along with an explanation of all conflicts, in the following timeframes:

1. Within 60 days of submittal of the application if the project contains 150 or fewer dwelling units; or

2. Within 90 days of submittal of the application if the project contains more than 150 dwelling units.

C. No deemed approval. Failure to provide written notice within the timeframes in subsection B does not result in deemed approval.

17.860.040 Density bonus applications.

Notwithstanding subsections A through B.2 of section 17.704.060, density bonus and additional incentive requests are reviewed in the same manner and concurrently with the administrative permit under this chapter. Deviations from street standards and other incentives set forth in subsection B.3 of section 17.704.060 shall be reviewed in the manner set forth in that subsection.

17.860.050 Denial and reconsideration.

A. Section 17.800.050 does not apply to the denial of an application under this chapter.

B. A decision under this chapter is subject to reconsideration by the planning director.